

Senate Bill No. 540

Passed the Senate August 22, 2006

Secretary of the Senate

Passed the Assembly August 7, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1940.3 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 540, Kehoe. Tenancy: signs and flags.

Existing law regulates the terms and conditions of residential tenancies. Existing law prohibits a landlord from interfering with a tenant's quiet enjoyment of the premises.

This bill would prohibit a landlord from prohibiting a tenant from posting or displaying campaign signs relating to an election or legislative vote, including an election for a candidate for public office, or to the initiative, referendum, or recall process, except as specified. The bill would permit a landlord to prohibit the posting or display of campaign signs under certain circumstances, including when the posting or display is in excess of a specified period.

The people of the State of California do enact as follows:

SECTION 1. Section 1940.3 is added to the Civil Code, to read:

1940.3. (a) Except as provided in subdivision (b), a landlord shall not prohibit a tenant from posting or displaying campaign signs relating to (1) an election or legislative vote, including an election for a candidate for public office or (2) the initiative, referendum, or recall process. Campaign signs may be posted or displayed in the window or on the door of the premises leased by the tenant in a multifamily dwelling, or from the yard, window, door, balcony, or outside wall of the premises leased by a tenant of a single family dwelling.

(b) A landlord may prohibit a tenant from posting or displaying campaign signs in the following circumstances:

- (1) The campaign sign is more than six square feet in size.
- (2) The posting or displaying would violate a local, state, or federal law.

(3) The posting or displaying would violate a lawful provision in a common interest development governing document that satisfies the criteria of Section 1353.6.

(4) The posting or displaying is in excess of the period of time between 90 days prior to the relevant election or vote and 15 days following the election or vote.

SEC. 2. It is the intent of the Legislature that enactment of this bill shall not diminish or affect in any way any other form of political or noncommercial expression by a tenant where that expression is not associated with an election or political campaign.

Approved _____, 2006

Governor